

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CINCINNATI INSURANCE COMPANY,
an OHIO CORPORATION,

Plaintiff,

v.

Case No. 02-73508
Hon. Patrick J. Duggan
Magistrate Judge Donald A.

Scheer

RAY ROGERS & ASSOCIATES, INC.,
d/b/a STONEWORKS, , d/b/a GREAT LAKES
STONE, a Michigan Corporation, ALAN
BITTKER, JEFFREY CAPPO and MS. BERGLAND,
a Michigan Limited Liability Company, ELRO
CORPORATION, a Michigan Corporation, FIRST
IMPRESSIONS LANDSCAPE AND DESIGN SERVICE,
INC., a Michigan Corporation, ALEXANDER
CONSTRUCTION, a Michigan Corporation, DAVID
KENSLE, JAMES SUZAK, DR. ABOY NAIDU
MOHAN, KEITH AND ROBIN TARTER, MURRAY
EXCAVATING, INC., a Michigan Corporation, LONE STAR,
INC., a Michigan Corporation, LANDQUEST, INC., a
Michigan Corporation, STALMER, INC., d/b/a
STELMACH, a Michigan Corporation, KATERBERG-VERHAGE,
INC., a Michigan Corporation, ROYAL PLASTICS, INC., a Michigan
Corporation, GREENCO LANDSCAPING SERVICE, INC.,
a Michigan Corporation, DOUG YFF, HARRY PYKE, WEST
MICHIGAN COMMERCIAL PROPERTIES, LLC, d/b/a
PRIME DEVELOPMENT COMPANY, a Michigan Limited
Liability Company, KENTWOOD SELF STORAGE, LLC,
a Michigan Limited Liability Company, BONNELL ENTERPRISES,
INC., d/b/a DYNAMITE LANDSCAPING, a Michigan Corporation,
EMERALD GARDENS, LLC, a Michigan Limited Liability
Company, BRIMACOMBE LANDSCAPING & DESIGN, LLC,
a Michigan Limited Liability Company, KODIAK LANDSCAPING,
INC., a Michigan Corporation, RAM GOSWAMI, GAIL MCDONALD,
HORTICA-THE FLORISTS' MUTUAL INSURANCE COMPANY,
an Illinois Corporation,

Defendants

J. STEVEN JOHNSTON P27636 TIMOTHY J. CLIFFORD P45139 **Attorneys for Plaintiff, Cincinnati Ins. Co.** Bigler, Berry, Johnston Szykiel & Hunt, P.C. 1301 W. Long Lake Rd., Ste. 250 Troy, MI 48098 (248) 641-1800; FAX: (248) 641-3845 Gary R. Rentrop P19367 Christopher Kaye (P61918) **Attorney for Ray Rogers & Associates** RENTROP & MORRISON, P.C. 39533 Woodward Avenue, Ste. 210 Bloomfield Hills, Michigan 48304 248-644-6970; FAX: 248-644-7171 Albertus Hultink P29509 **Attorney for Greenco Landscaping** Amway Corp. 7575 E. Fulton Rd. Ada, Michigan 49355 616-676-7423; Bradley K. Feldman (P58577) **Attorney for Bonnell Enterprises** Jackier, Gould, Bean, et al 121 W. Long Lake Rd., Fl. 2 Bloomfield Hills, MI 48304 248-642-0500; Fax: 248-642-5241 Brian A. Nettleingham P58966 **Attorney for Elro Corporation** MADDIN, HAUSER, WARTELL, ROTH & HELLER, P.C. 28400 Northwestern Highway Third Floor, Essex Centre Southfield, MI 48034 248-354-4030 or 248-355-5200 Don W. Blevins P64146 **Attorney for Alan Bittker & James Suzak** JACOB & WEINGARTEN 2301 W. Big Beaver Rd., Ste. 777 Troy, MI 48084 248-649-1900; Fax: 248-649-2920 John M. Sier P39336 **Attorney for Dr. Keith & Robin Tarter** KITCH, DRUTCHAS, WAGNER, DeNARDIS & VALITUTTI One Woodward Ave., 10th Floor Detroit, MI 48226-3499 (313) 965-2915; Fax: (313) 965-7403 Mark J. Colon P42001 **Attorney for Hortica** 1700 E. Beltline N.E., Ste. 200 Grand Rapids, MI 49525-7081 (616) 447-1800; Fax: (616) 447-1881 _____/

ORDER FOR DISMISSAL

In accordance with the stipulation of the parties, and the Court being otherwise fully advised in the premises;

IT IS HEREBY ORDERED that the above-captioned matter is dismissed as to Defendant, Dr. Abboy Naidu Mohan, pursuant to FRCP 41(a)(1).

IT IS HEREBY FURTHER ORDERED that Defendant, Dr. Abboy Naidu Mohan, shall be bound by any final or dispositive judgment or ruling on the merits of the outcome of the declaratory judgment action between Plaintiff, Cincinnati Insurance Company and Defendant, Ray Rogers and Associates, Inc. in this Court or any other forum (but excluding any consent judgment or other settlement unless otherwise agreed by Dr. Abboy Naidu Mohan.

IT IS HEREBY FURTHER ORDERED that Dr. Mohan will not be responsible for the payment of any costs or fees which may be assessed against Co-Defendants who

may or may not elect to contest this action.

s/Patrick J. Duggan
Patrick J. Duggan
United States District Judge

Dated: May 18, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 18, 2006, by electronic and/or ordinary mail.

s/Marilyn Orem
Case Manager